

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6148 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

Nos. 1 to 5 No

C V NISARTA

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Petitioner

MR.KAMAL MEHTA, AGP for respondents no. 1 to 3.

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 18/06/1999

ORAL JUDGEMENT

The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution to challenge the apprehended action of the reversion. The petitioner belongs to scheduled caste. He was working as Assistant Teacher. He was promoted to the post of Principal by order dated 24.10.1985 issued by Director of Higher Education, Gandhinagar, a copy of which is at Annexure "A". When he came to know that he was likely to be reverted because of the agreement entered into between the Government and other employees, he filed this petition. It appears that in all 11 teachers were

promoted by order dated 24.10.1985 and 5 of them had filed another Special Civil Application No.6068 of 1985 against apprehended action of reversion. The present petition was ordered to be heard along with the said petition. It appears that Special Civil Application No. 6068 of 1985 came up for final hearing before M.S.Parikh,J on March 29,1995 and the learned Judge disposed of the said petition with a short judgment which is as follows :

"It has been submitted on behalf of the respondents that by an office order dated 5/7/1986, a copy whereof has been placed on record today, the earlier impugned order dated 30/10/1985 is cancelled, with the result that this petition would not survive. In that view of the matter, no relief survives to be given to the petitioners. Hence, rule is discharged. No order as to cost."

It is clear from the said judgment that the respondent had withdrawn the order dated 30.10.1985 whereby the order of promotion dated 24.10.1985 had been cancelled. In the circumstances, the grievance of the petitioner does not survive and the petition has to be disposed of accordingly. Rule is therefore discharged. No order as to cost.

Sd/-

(M.C.Patel, J)

m.m.bhatt